

## **§ 439.301**

award activity, you will report the conviction:

- (1) In writing.
- (2) Within 10 calendar days of the conviction.
- (3) To the SSA awarding official or other designee for each award that you currently have, unless § 439.301 or the award document designates a central point for the receipt of the notices. When notice is made to a central point, it must include the identification number(s) of each affected award.

**§ 439.301 [Reserved]**

### **Subpart D—Responsibilities of SSA Awarding Officials**

#### **§ 439.400 What are my responsibilities as an SSA awarding official?**

As an SSA awarding official, you must obtain each recipient's agreement, as a condition of the award, to comply with the requirements in—

- (a) Subpart B of this part, if the recipient is not an individual; or
- (b) Subpart C of this part, if the recipient is an individual.

### **Subpart E—Violations of this Part and Consequences**

#### **§ 439.500 How are violations of this part determined for recipients other than individuals?**

A recipient other than an individual is in violation of the requirements of this part if the SSA Official or designee determines, in writing, that—

- (a) The recipient has violated the requirements of subpart B of this part; or
- (b) The number of convictions of the recipient's employees for violating criminal drug statutes in the workplace is large enough to indicate that the recipient has failed to make a good faith effort to provide a drug-free workplace.

#### **§ 439.505 How are violations of this part determined for recipients who are individuals?**

An individual recipient is in violation of the requirements of this part if the SSA Official or designee determines, in writing, that—

- (a) The recipient has violated the requirements of subpart C of this part; or

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- (b) The recipient is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.

#### **§ 439.510 What actions will the Federal Government take against a recipient determined to have violated this part?**

If a recipient is determined to have violated this part, as described in § 439.500 or § 439.505, the SSA may take one or more of the following actions—

- (a) Suspension of payments under the award;
- (b) Suspension or termination of the award; and
- (c) Suspension or debarment of the recipient under 20 CFR Part 436, for a period not to exceed five years.

#### **§ 439.515 Are there any exceptions to those actions?**

The the Commissioner of SSA may waive with respect to a particular award, in writing, a suspension of payments under an award, suspension or termination of an award, or suspension or debarment of a recipient if the Commissioner of SSA determines that such a waiver would be in the public interest. This exception authority cannot be delegated to any other official.

### **Subpart F—Definitions**

#### **§ 439.605 Award.**

*Award* means an award of financial assistance by the SSA or other Federal agency directly to a recipient.

(a) The term award includes:

- (1) A Federal grant or cooperative agreement, in the form of money or property in lieu of money.
- (2) A block grant or a grant in an entitlement program, whether or not the grant is exempted from coverage under the Governmentwide rule 20 CFR Part 439 that implements OMB Circular A-102 (for availability, see 5 CFR 1310.3) and specifies uniform administrative requirements.
- (b) The term award does not include:
  - (1) Technical assistance that provides services instead of money.
  - (2) Loans.
  - (3) Loan guarantees.
  - (4) Interest subsidies.
  - (5) Insurance.